



UNITED STATES PATENT AND TRADEMARK OFFICE

JUN 16 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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JUN 16 2003

OFFICE OF THE DIRECTOR
TC 3600

In re Application of
Hong-Jiun Gu et al.
Application No. 09/909,399
Filed: July 18, 2001
For: SAFETY DRIVING EQUIPMENT FOR
SCOOTER

:
:
: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF ABANDONMENT

This is in reply to applicants petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on January 29, 2003 and supplemented on June 12, 2003.

The petition is **GRANTED**.

A review of the file record indicates that an Office action was mailed to applicants on June 25, 2002. Since a timely response to the June 25, 2002 Office action has not been filed and the six month statutory period for reply has expired, the application is abandoned, although a Notice of abandonment has yet been mailed.

Any petition to withdraw the holding of abandonment based upon a Returned Post Card must include the following requirements:

- (1) A copy of the response and
- (2) A copy of the postcard identifying the response including a USPTO Mail Room receipt date.

The returned postcard included in the petition bears a USPTO Mail Room receipt date of July 15, 2002. However, the application number listed on the returned postcard does not correspond to that of the above-noted application. This is unacceptable evidence of a timely filed response.

However, the copy of the response included with the petition includes a Certificate of Mailing dated July 11, 2002. A statement by Raymond Y. Chan was received on June 12, 2003, which attests to the personal knowledge of mailing the response on the date indicated on the Certificate of Mailing. This is sufficient evidence of a timely response.

Since a timely response to the Office action was filed, the application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, and then to the Examiner for prompt action on the merits of the claims.



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SNM/tpl: 6/13/03